


EXPEDITED CITY COUNCIL ACTION REQUEST			
Department(s): Transportation	Date: 9/17/13	Coordination: City Manager's Office and City Attorney, SJPD, ESD, DPW and the Sacramento Legislative Advocate	Dept. Approval: /s/ Hans F. Larsen CMO Approval:  9/18/13
SUBJECT: AB 841 (Torres) – Junk dealers and recyclers: nonferrous materials: payments			
RECOMMENDED POSITION: SUPPORT			
RECOMMENDED ACTION:			
<ol style="list-style-type: none"> 1. Pursuant to the City's streamlined bill process for responding quickly to legislative proposals, re-affirm a position of support regarding AB 841 (Torres). 2. Recommend a one-week turnaround to the City Council so that the City's legislative representative can continue to advocate the City's support for AB 841. 			
BILL SYNOPSIS:			
<p>This bill would require that a payment for nonferrous scrap metal purchased by a junk dealer or recycler be made by check only and that it be mailed directly to the seller as opposed to the current payment method which allows a seller to pick up cash or check payment from the junk dealer or recycler after the third business day.</p>			
IMPACTS TO CITY OF SAN JOSE:			
<p>Metal theft became increasingly popular with the downturn in the economy. Although the economy has shown signs of improving, the continued rise in recycled metal prices has increased the theft of copper, aluminum, fire hydrants, manhole covers, streetlights, and other City assets.</p> <p>The Department of Transportation (DOT) has needed to repair 390 locations of stolen streetlight wire at a cost of \$500,000 since January 2011. Currently there are 220 locations in need of repair at an estimated cost of \$260,000. In addition, 55 sites at city facilities, parks and trails have experienced copper wire theft. The costs to repair these sites were approximately \$183,000 and the estimated cost for the repairs that remain to be completed are upwards of \$400,000.</p> <p>By requiring payment by check only for recycled nonferrous materials and for that check to be mailed to the seller, AB 841 (Torres) is designed to discourage metal thieves, while not impacting legitimate sellers and recyclers of scrap metals.</p>			

POLICY ALIGNMENT:

Included in the 2013 Council approved Legislative Guidelines is the following language: ***VIII. Promote Investment in Infrastructure Maintenance and Rehabilitation.*** In addition, at the June 5, 2013, Rules and Open Government Committee meeting, the Committee accepted and referred to staff, a memorandum from Councilmembers Campos, Kalra, Khamis and Rocha to consider regulations that would support efforts to prevent the theft of copper wire, piping, and other copper materials.

SUPPORTERS/OPPONENTS:**SUPPORT:**

Association of California Insurance Companies
Association of California Water Agencies
AT&T
California District Attorneys Association
California Farm Bureau Federation
California Police Chiefs Association
California State Association of Counties
California State Sheriffs' Association
Chino Police Department
County of San Bernardino
Friant Water Authority
League of California Cities
Los Angeles County District Attorney's Office
Metropolitan Water District of Southern California
Nationwide
Ontario Police Department
Pacific Gas and Electric Company
PacifiCorp
San Bernardino County Sheriff-Coroner
Southern California Edison
Verizon

OPPOSITION:

Californians Against Waste
West Coast Chapter of the Institute of Scrap Recycling Industries

STATUS OF BILL:

Enrolled – On the Governor's Desk for signature.

FOR QUESTIONS CONTACT: HANS LARSEN – (408) 535-3835